

## Central Valley Regional Water Quality Control Board

9 October 2018 ~~1 March 2016~~

Joshua Simon  
SimonCRE Raylan V, LLC  
6900 E. 2<sup>nd</sup> Street  
Scottsdale, AZ 85250

**AMENDED CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; SIMONCRE RAYLAN V, LLC, DOLLAR GENERAL RETAIL STORE PROJECT (WDID NO.5A29CR00093A1), NEVADA COUNTY**

This Order responds to the 19 September 2018 request for an amendment of the Dollar General Retail Store Project Section 401 Technically Conditioned Water Quality Certification (WDID No. 5A29CR00093). The original Water Quality Certification (Certification) was issued on 1 March 2016. This Amended Order responds to the 17 September 2015 application and 19 September 2018 amendment submitted by SimonCRE Raylan V, LLC (Applicant) for the Water Quality Certification of a commercial development project permanently impacting 0.17 acre of waters of the United States. The original Certification is amended in underline/strikeout format.

### ACTION:

1. ☐ Order for Standard Certification
2. ☒ Order for Technically-conditioned Certification
3. ☐ Order for Denial of Certification

### WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations (CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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certification application was filed pursuant to 23 CCR § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required § 3833 of the California Code of Regulations.
4. This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired. SimonCRE Raylan V, LLC shall notify the Central Valley Water Board within 7 days of the project completion.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.
  - a. For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if *authority* to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
  - c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official.
6. Any person signing a document under Standard Condition No. 5 shall make the following certification, whether written or implied:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, SimonCRE Raylan V, LLC shall satisfy the following:

1. SimonCRE Raylan V, LLC shall notify the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in writing at least **seven (7) days** in advance of the start of any work within waters of the United States. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.



3. SimonCRE Raylan V, LLC shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. SimonCRE Raylan V, LLC shall perform surface water sampling:
  - a) when performing any in-water work;
  - b) in the event that project activities result in any materials reaching surface waters; or
  - c) when any activities result in the creation of a visible plume in surface waters.

The monitoring requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1:**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(4)
Settleable Material	mL/L	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—

<sup>(1)</sup> Grab samples shall be taken at mid-depth and be collected at the same time each day to get a complete representation of variations in the receiving water.

<sup>(2)</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant.

<sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

<sup>(4)</sup> A hand-held field meter may be used, provided that the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Certification shall be maintained at the Project site.

As appropriate, surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, SimonCRE Raylan V, LLC shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no monitoring is conducted, SimonCRE Raylan V, LLC shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required." with the Notice of Completion.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) Activities shall not cause turbidity increases in surface water to exceed:
  - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area
6. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. SimonCRE Raylan V, LLC must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
7. SimonCRE Raylan V, LLC shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and



construction sequence. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the Project site.

8. Asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering surface waters. Concrete must completely be cured before coming into contact with surface waters. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

Creosote-treated wood products or any other treated wood products that are highly flammable and/or toxic to aquatic life shall not be installed in surface waters. A method of containment must be used below the bridge(s), boardwalk(s), and temporary crossing(s) to prevent debris from falling into the water body as feasible.

9. Should the methodology for dry and wet utility work include directional drilling, the Dry and Wet Utility Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size.

The Directional Drilling Plan must be stamped by a California Registered Geologist (PG) or Professional Engineer (PE).

10. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
11. All areas disturbed by Project activities shall be protected from washout or erosion.
12. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
13. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the Project.
14. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. SimonCRE Raylan V, LLC shall notify the Central Valley Water Board as soon as practicable of any spill of petroleum products or other organic or earthen materials with written follow up within 5 days.
15. SimonCRE Raylan V, LLC shall apply for a name change or amendment to this Certification should any of the following occur:
  - a) a change in the ownership of all or any portion of the Project;
  - b) any change in the Project description;
  - c) any change involving discharge amounts, temporary impacts, and/or permanent impacts; and/or

- d) amendments, modifications, revisions, extensions, and/or changes to the United States Army Corps of Engineers' Nationwide Permit #39, the United States Fish and Wildlife Service decision document(s), and/or the California Department of Fish and Wildlife Streambed Alteration Agreement.
16. SimonCRE Raylan V, LLC shall obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water and/or shall obtain Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land from the Central Valley Water Board.
  17. The Conditions in this water quality certification are based on the information contained in SimonCRE Raylan V, LLC's application and in the attached "Project Information Sheet." If the Project, as described in the application and the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
  18. SimonCRE Raylan V, LLC shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the Project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.
  19. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under the applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with water quality standards and other pertinent requirements incorporated into this certification.
    - a) If SimonCRE Raylan V, LLC or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, SimonCRE Raylan V, LLC is subject to civil monetary liabilities, for each day of violation, or criminal liability.
    - b) In response to a suspected violation of any condition of this certification, Central Valley Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Water Code, § 1051, 13165, 13267 and 13383) In response to any violation of the conditions of this certification, the Central Valley Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
    - c) SimonCRE Raylan V, LLC shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of Project-related records, for the



purpose of assuring compliance with this Certification and determining the ecological success of the Project.

20. SimonCRE Raylan V, LLC shall provide evidence of all on-site and off-site compensatory mitigation requirements, including, but not limited to, the purchase of mitigation credits or payment of in-lieu fees or any combination, as required by the United States Army Corps of Engineers prior to commencing construction to the Central Valley Water Board.

Compensatory mitigation must comply with the effective policy at the time of Certification, which ensures no overall net loss of wetlands for impacts to waters of the State.

Evidence of compliance with compensatory mitigation requirements include providing a letter from the approved compensatory mitigation bank or in-lieu fee recipient. The letter must: (a) be on the compensatory mitigation bank's or in-lieu fee recipient's letterhead; (b) be signed by an authorized representative of the compensatory mitigation bank or in-lieu fee recipient; (c) indicate the United States Army Corps of Engineers' SPK number; (d) describe the Project name and location; and (e) detail the type of compensatory mitigation credits purchased or in-lieu fees paid for the Project's impacts.

21. Staff of the Central Valley Water Board has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to SimonCRE Raylan V, LLC that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.

#### **STORM WATER QUALITY CONDITIONS:**

SimonCRE Raylan V, LLC shall also satisfy the following additional storm water quality conditions:

1. SimonCRE Raylan V, LLC shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
2. During the construction phase, SimonCRE Raylan V, LLC must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;

- b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
3. SimonCRE Raylan V, LLC must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices:
- a) minimize the amount of impervious surface;
  - b) reduce peak runoff flows;
  - c) provide treatment BMPs to reduce pollutants in runoff;
  - d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
  - i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
4. SimonCRE Raylan V, LLC must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable:
- a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.
5. SimonCRE Raylan V, LLC shall provide the Central Valley Water Board Contact indicated in this Certification a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site



restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Lynn Coster, Senior Environmental Scientist  
Central Valley Regional Water Quality Control Board  
364 Knollcrest Drive, Suite 205, Redding, CA 96002  
[Lynn.Coster@waterboards.ca.gov](mailto:Lynn.Coster@waterboards.ca.gov)  
(530) 244-2437

~~George Day, Senior Water Resource Control Engineer~~  
~~Central Valley Regional Water Quality Control Board~~  
~~364 Knollcrest Drive, Suite 205, Redding, California 96002~~  
~~[gday@waterboards.ca.gov](mailto:gday@waterboards.ca.gov)~~  
~~(530) 224-4859~~

**WATER QUALITY CERTIFICATION:**

I hereby issue an Amended Order certifying that any discharge from SimonCRE Raylan V, LLC, Dollar General Retail Store Project (WDID# 5A29CR00093A1) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)."

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with conditions of this Certification, SimonCRE Raylan V, LLC's application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Fourth Edition, May 2018 revised June 2015 (Basin Plan).

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, Title 23, § 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.



(for) Patrick Pulupa, Executive Officer

~~—(for)— Pamela C. Creedon~~  
~~Executive Officer~~

DLW: db

Enclosure: Water Quality Order No. 2003-0017 DWQ

cc w/o Nicole Schleeter, U.S. Army Corp of Engineers, Sacramento  
enclosures: ~~Ms. Mary Pakenham-Walsh, U.S. Army Corp of Engineers, Sacramento~~  
Department of Fish and Wildlife, Region 2, Rancho Cordova  
U.S. Fish and Wildlife Service, Sacramento  
Mr. Bill Jennings, CALSPA, Stockton  
Greg Matuzak, Biological Resources Consultant, Nevada City

cc w/o  
enclosures  
by email: U.S. EPA, Region 9, San Francisco  
Elizabeth Payne, Water Quality Certification Program, SWRCB, Sacramento  
~~Mr. Bill Orme, SWRCB, Certification Unit, Sacramento~~



## PROJECT INFORMATION

**Application Date:** 17 September 2015

**Amended Application Date:** 19 September 2018

**Application Originally Deemed Complete:** 15 January 2016

**Amended Application Deemed Complete:** 9 October 2018

**Applicant:** SimonCRE Raylan V., LLC  
6900 E. 2<sup>nd</sup> Street  
Scottsdale, AZ 85251  
5111 N. Scottsdale Road, Suite 200  
Scottsdale, AZ 85250

**Project Name:** Dollar General Retail Store in Penn Valley Project

**Application Number:** WDID No. 5A29CR00093A1

**U.S. Army Corps File Number:** SPK-2015-00592 ~~SPK-2004-00376~~

**Type of Project:** Commercial Building, parking lot, and underground storage tank.

**Project Location:** Section 2, Township 16 North, Range 7 East  
Latitude: 39.199° and Longitude: -121.179°

**County:** Nevada County

**Receiving Water(s) (hydrologic unit):** Squirrel Creek, which is tributary to the Yuba River.  
Yuba River Hydrologic Unit No.517.12 – Browns Valley HSA

**Water Body Type:** Wetland

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth ~~Fourth~~ Edition, May 2018 ~~revised June 2015~~ (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Hydropower Generation (POW); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**Project Description (purpose/goal):** The Dollar General Retail Store is located at 17630 Penn Valley Drive, approximately 1,200 feet northwest of the intersection of Penn Valley Drive and Spenceville Road in Penn Valley, Nevada County.

The proposed project design includes construction of a Dollar General store (commercial development approximately 9,100 square feet) within the southern area of the subject parcel where it fronts Penn Valley Drive. The proposed Dollar General Building will be 70 feet by 130 feet. In addition, the development will include a driveway/access at the entrance along Penn Valley Drive, several parking spots (46 spots at 200 square feet each), and landscaping. The project also includes a proposed 60,000-gallon underground storage tank, which would be approximately 12.5 feet by 60.5 feet.

The project has been designed to not impact the existing stream along the western edge of the subject parcel; however, development will occur within the 50-foot non-disturbance buffer of the stream. Specific mitigation measures have been developed to minimize impacts to the stream given that development is proposed up to 15 feet from the edge of the stream. In addition, the project has been designed to minimize impacts to existing wetlands; therefore, a required 100-foot non-disturbance buffer of site wetlands is assessed within this Management Plan.

The project applicant will be unable to avoid all of the wetlands within the site and therefore, based on the project design, 0.17 ~~0.06~~ acres (~~2,544 square feet~~) of wetlands will be filled as part of the project and will be subject to Clean Water Act permitting. ~~An isolated wetland will also be filled but not subject to Clean Water Act permitting. The isolated feature is 4,493 square feet and 0.1 acres. The Site Plan states that the isolated 4,493 square feet/0.1-acre wetland feature will be mitigated for; however, given it is an isolated seasonal wetland, it is not subject to Clean Water Act permitting.~~

The project will permanently impact 0.17 ~~0.16~~ acre(s) of waters of the United States.

**Preliminary Water Quality Concerns:** Construction activities including soil disturbance, excavation, cutting/filling, and grading activities could result in increased erosion and sedimentation and may impact surface waters with increased turbidity and settleable matter.

**Proposed Mitigation to Address Concerns:** SimonCRE Raylan V, LLC will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. SimonCRE Raylan V, LLC will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

**Fill/Excavation Area:** Approximately 95 cubic yards of concrete will be placed into 0.17 ~~0.06~~ acres of waters of the United States.

**Dredge Volume:** N/A

**California Integrated Water Quality System Impact Data:** The Project will permanently impact 0.17 ~~0.06~~ acre of wetland from fill activities.



**Table 1: Impacts from Fill Activities**

Fill Type	Permanent			Temporary		
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
Wetlands						
Wetlands Total	<u>0.17</u> <del>0.06</del>	NA	<u>95</u>		NA	
<del>Isolated Wetlands</del>						
<del>Isolated Wetland Total</del>	<del>0.10</del>	<del>N/A</del>			<del>N/A</del>	
<b>Total Impacts</b>	<u>0.17</u> <del>0.16</del>					

Notes

NA Not Applicable

**United States Army Corps of Engineers Permit Type:** Nationwide Permit Number 39 (Commercial and Institutional Development).

**Department of Fish and Wildlife Lake or Streambed Alteration Agreement:** A Lake or Streambed Alteration Agreement is not required because the project is out of the Department of Fish and Wildlife's jurisdiction. SimonCRE Raylan V, LLC did not apply for a Lake or Streambed Alteration Agreement.

**Possible Listed Species:** No State or Federally-threatened or endangered species are listed in the Section 401 Water Quality Certification Application submitted by SimonCRE Raylan V, LLC.

**Status of CEQA Compliance:** Nevada County Planning Commission is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Dollar General Retail Store in Penn Valley Project pursuant to § 21000 et seq. of the Public Resources Code. Nevada County Planning Commission approved the Mitigated Negative Declaration on 11 August 2005. The Nevada County Planning Commission filed a Notice of Determination with the State Clearinghouse on 30 August 2005 (SCH No. 2016012009).

**Compensatory Mitigation:** In accordance with the Amended Section 401 Water Quality Certification Application and as required by the U.S. Army Corps of Engineers, SimonCRE Raylan V, LLC will purchase 0.34 acres of Salmonid/Floodplain Riparian/Swanson's Hawk Nesting Buffer (Floodplain Restoration) credits for impacts to 0.17 acres of impacts to waters of the United States from the Westervelt Bullock Bend Mitigation Bank. ~~resources-mitigation credits-and/or pay-in-lieu fees to mitigate for 0.06 acres of impacts to waters of the United States and mitigate for the impacts to the 0.1 acres of isolated waters.~~

**Application Fee Provided:** An application fee of \$600.00 was submitted on 28 December 2015. A total fee of \$600.00 has been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.